

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
MARK R. MAVIS, )  
 ) Case No. BKY 04-41383  
Debtor. )

OBJECTIONS OF THE UNITED STATES  
OF AMERICA TO THE CONFIRMATION OF THE DEBTOR'S  
CHAPTER 13 PLAN FILED JUNE 17, 2004 AND MOTION TO DISMISS

THE UNITED STATES OF AMERICA, Internal Revenue Service ("IRS"), by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota and Roylene A. Champeaux, Assistant United States Attorney, submits the following objections to Confirmation of the Chapter 13 Plan filed June 17, 2004 proposed by this debtor and Motion to Dismiss:

1. The confirmation hearing is scheduled for September 2, 2004, at 2:30 p.m. at U.S. Bankruptcy Court, U.S. Courthouse, Courtroom 7 West, 300 South Fourth Street, Minneapolis, Minnesota 55415.

2. The Court has jurisdiction over these objections and Motion to Dismiss pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Loc. R. Bankr. P. (D. Minn.) 1070-1. This is a core proceeding. The petition commencing this Chapter 13 case was filed March 16, 2004. This case is now pending in this court.

3. These objections and Motion to Dismiss arise under 11 U.S.C. §§ 1322(a)(2); 1325(a)(3) and (6); and Fed. R. Bankr. P. 3015. These objections and Motion to Dismiss are filed under Fed.

R. Bankr. P. 9013 and 9014 and Loc. R. Bankr. P. (D. Minn.) 3015-3, 3020-1 and 3020-3.

4. The United States, IRS, has a secured claim of \$67,761.00, an unsecured priority claim of \$131,499.31 and an unsecured general claim of \$29,779.47 against the debtor. The total claim is \$229,039.78, as set forth in the filed amended Proof of Claim of the IRS, a copy of which is attached hereto as Exhibit A.

5. The Plan is not feasible and does not comply with 11 U.S.C. § 1325(a)(6) in that the debtor will not be able to make all of the payments under the Plan and comply with the Plan as evidenced by the failure of the debtor's three prior Chapter 13 cases. Further while the debtor's Modified Chapter 13 Plan dated June 16, 2004 provides for monthly payments of \$5,200.00, the debtor's Schedule J lists only \$2,740.00 per month available for Plan payments.

6. This is the debtor's fourth Chapter 13 bankruptcy filing since August 1, 2000. The debtor filed three prior Chapter 13 Bankruptcy cases all of which were dismissed prior to entry of discharge. The first Chapter 13 petition, Bankruptcy No. 00-43447, was filed August 1, 2000 and dismissed on the motion of the Chapter 13 Trustee on April 11, 2001. The second Chapter 13 petition, Bankruptcy No. 01-42361, was filed May 25, 2001 and dismissed on the motion of the Chapter 13 Trustee on September 8,

2003. The third Chapter 13 petition, Bankruptcy No. 03-46655, was filed September 22, 2003 and dismissed on the motion of the Chapter 13 Trustee on December 8, 2003. See Declaration of Roylene A. Champeaux attached hereto as Exhibit B.

7. At the First Meeting of Creditors the debtor testified that he had failed to schedule any IRS debt in the three prior Chapter 13 bankruptcy filings despite knowing that he owed this federal tax debt. The IRS was unaware of these three prior bankruptcy filings.

8. At the First Meeting of Creditors the debtor testified that he had failed to pay any federal income taxes since some time prior to his first Chapter 13 bankruptcy filing in August 2000. The IRS records reveal that the debtor has failed to pay any federal income taxes since mid-March 1997. See Affidavit of Pete Lanphear, attached hereto as Exhibit C. However, from the year 2000 to the present, the debtor has made payments of at least \$500.00 per month on a debt secured by a 34' Searay Express 340 boat with 265 h.p. motor (valued at \$35,000.00 in debtor's Schedules) while failing to make any payments on his federal tax debt. Further the debtor testified at the First Meeting of Creditors that he had earned approximately \$120,000.00 in the year 2003 and had failed to make any quarterly estimated federal income tax deposits or arranged for any federal income tax withholding for that tax year. The debtor owes the IRS the sum of \$23,417.00 in

federal income taxes for the 2003 tax year (not included penalties and interest). See Exhibit A.

9. The United States submits that this debtor is a serial Chapter 13 filer and that the debtor's repeated Chapter 13 filings, coupled with the debtor's failure to file and pay federal income and the debtor's intentional omission of the IRS tax debt from his past three Chapter 13 bankruptcy cases, constitutes bad faith.

10. The Bankruptcy case should be dismissed on the basis that the case and Plan were filed without the requisite good faith.

WHEREFORE, for the foregoing reasons, the United States prays that the Chapter 13 Plan filed by this debtor be denied confirmation, that the case be dismissed as having been filed in bad faith, and that the Court impose a 365 day Chapter 13 filing bar.

Date: June 28, 2004

THOMAS B. HEFFELFINGER  
United States Attorney

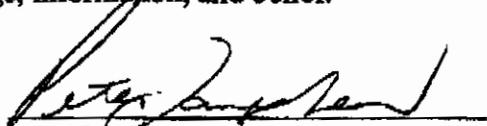
/e/ Roylene A. Champeaux  
By: ROYLENE A. CHAMPEAUX  
Assistant United States Attorney  
Attorney ID Number 154805  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5685

Attorneys for the United States  
of America, IRS

## VERIFICATION

I, Peter Lanphear, an Insolvency Unit Advisor of Area Nine (9) Small Business/Self Employed of the Internal Revenue Service, the movant named in the Chapter Bankruptcy, number 04-41383 declares under penalty that the foregoing information regarding the bankruptcy of Mark R. Mavis is true and correct according to the best of my knowledge, information, and belief.

Signed:

  
Peter Lanphear  
Insolvency Unit Advisor

Dated: June 28, 2004

<b>UNITED STATES BANKRUPTCY COURT</b>		<b>DISTRICT OF MINNESOTA</b>	<b>PROOF OF CLAIM</b>								
Name of Debtor <b>MARK R MAVIS</b>		Case Number <b>04-41383</b>	RECEIVED 2004 JUN -7 AM 10:32 U.S. BANKRUPTCY COURT THIS SPACE IS FOR COURT USE ONLY								
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.											
Name of Creditor (The person or other entity to whom the debtor owes money or property): <b>Department of the Treasury - Internal Revenue Service</b>		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.									
Name and address where notices should be sent: <b>Internal Revenue Service Internal Revenue Service 316 North Robert Street Stop 5700STP St. Paul, MN 55101 Telephone number: (651) 312-7993 Creditor #:5795860</b>											
Account or other number by which creditor identifies debtor: <b>see attachment</b>		Check here <input type="checkbox"/> replaces if this claim <input checked="" type="checkbox"/> amends a previously filed claim, dated: <b>04/15/2004</b>									
<b>1. Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input checked="" type="checkbox"/> Taxes <input type="checkbox"/> Other _____ <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)											
2. Date debt was incurred: <b>see attachment</b>		3. If court judgment, date obtained:									
<b>4. Total Amount of Claim at Time Case Filed: \$</b> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;"><u>29,779.47</u></td> <td style="text-align: center;"><u>67,761.00</u></td> <td style="text-align: center;"><u>131,499.31</u></td> <td style="text-align: center;"><u>229,039.78</u></td> </tr> <tr> <td style="text-align: center; font-size: small;">(unsecured)</td> <td style="text-align: center; font-size: small;">(secured)</td> <td style="text-align: center; font-size: small;">(priority)</td> <td style="text-align: center; font-size: small;">(Total)</td> </tr> </table> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.				<u>29,779.47</u>	<u>67,761.00</u>	<u>131,499.31</u>	<u>229,039.78</u>	(unsecured)	(secured)	(priority)	(Total)
<u>29,779.47</u>	<u>67,761.00</u>	<u>131,499.31</u>	<u>229,039.78</u>								
(unsecured)	(secured)	(priority)	(Total)								
<b>5. Secured Claim.</b> <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input checked="" type="checkbox"/> Real Estate <input checked="" type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other <u>see below*</u> Value of Collateral: \$ <u>see below*</u> * All of debtor(s) right, title and interest to property - 26 U.S.C § 6321. Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ <u>67,761.00</u>		<b>7. Unsecured Priority Claim.</b> <input checked="" type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ <u>131,499.31</u> Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input checked="" type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). *Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.									
<b>6. Unsecured Nonpriority Claim \$</b> <u>29,779.47</u> <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or part of your claim is entitled to priority.											
<b>8. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY									
<b>9. Supporting Documents:</b> Attach copies of supporting documents, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.											
<b>10. Date Stamped Copy:</b> To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.											
Date <b>06/04/2004</b>	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <b>J. S. Pearson</b> <b>41-02525</b> <b>Bankruptcy Specialist</b>		EXHIBIT <u>A.</u>								

# Proof of Claim for Internal Revenue Taxes

Form 10  
Attachment

Department of the Treasury/Internal Revenue Service

In the Matter of: **MARK R MAVIS**  
19085 HOMESTEAD CIRCLE  
EDEN PRAIRIE, MN 55346

Docket Number	04-41383
Type of Bankruptcy Case	Chapter 13
Date of Petition	03/16/2004

Amendment No. 1 to Proof of Claim dated 04/15/2004

The United States has not identified a right of setoff or counterclaim. However, this determination is based on available data and is not intended to waive any right to setoff against this claim debts owed to this debtor by this or any other federal agency. All rights of setoff are preserved and will be asserted to the extent lawful.

PRIOR BANKRUPTCY(S) AFFECT THE PRIORITY DETERMINATION.

## Secured Claims (Notices of Federal tax lien filed under internal revenue laws before petition date)

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Penalty to Petition Date	Interest to Petition Date	Notice of Tax Lien Filed: Date	Office Location
XXX-XX-4445	INCOME	12/31/1995	11/25/1996	\$6,905.47	\$2,034.19	\$5,682.63	11/05/2001	HENNEPIN E
XXX-XX-4445	INCOME	12/31/1996	11/24/1997	\$7,272.00	\$2,343.14	\$4,774.92	11/05/2001	HENNEPIN E
XXX-XX-4445	INCOME	12/31/1997	11/23/1998	\$13,477.00	\$4,235.54	\$6,936.30	11/05/2001	HENNEPIN E
XXX-XX-4445	INCOME	12/31/1999	11/20/2000	\$10,523.00	\$3,344.45	\$232.36	11/05/2001	HENNEPIN E
				<u>\$38,177.47</u>	<u>\$11,957.32</u>	<u>\$17,626.21</u>		

Total Amount of Secured Claims: **\$67,761.00**

## Unsecured Priority Claims under section 507(a)(8) of the Bankruptcy Code

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Interest to Petition Date
XXX-XX-4445	INCOME	12/31/1998	2 UNASSESSED LIABILITY	\$14,878.00	\$5,976.31
XXX-XX-4445	INCOME	12/31/1999	11/20/2000	\$0.00	\$2,853.00
XXX-XX-4445	INCOME	12/31/2000	11/26/2001	\$22,993.00	\$4,214.71
XXX-XX-4445	INCOME	12/31/2001	2 UNASSESSED LIABILITY	\$27,065.00	\$2,802.16
XXX-XX-4445	INCOME	12/31/2002	2 UNASSESSED LIABILITY	\$26,193.00	\$1,107.13
XXX-XX-4445	INCOME	12/31/2003	2 UNASSESSED LIABILITY	\$23,417.00	\$0.00
				<u>\$114,546.00</u>	<u>\$16,953.31</u>

Total Amount of Unsecured Priority Claims: **\$131,499.31**

## Unsecured General Claims

Penalty to date of petition on unsecured priority claims (including interest thereon) . . . . . \$29,779.47

Total Amount of Unsecured General Claims: **\$29,779.47**

2 UNASSESSED LIABILITY DUE RETURN BEING FILED BUT NOT YET ASSESSED.

INTERNAL REVENUE SERVICE  
FACSIMILE FEDERAL TAX LIEN DOCUMENT

Lien Recorded : 11/05/2001 - 17:00PM  
Recording Number: 7577463  
UCC Number :  
Liber :  
Page :

Area: SMALL BUSINESS/SELF EMPLOYED #9  
Lien Unit Phone: (800) 829-3903

IRS Serial Number: 410139557

This Lien Has Been Filed in Accordance with  
Internal Revenue Regulation 301.6323(f)-1.

Name of Taxpayer :  
MARK R MAVIS

Residence :  
19035 HOMESTEAD CIR  
EDEN PRAIRIE, MN 55346-3919

With respect to each assessment below, unless notice of lien  
is refiled by the date in column(e), this notice shall constitute  
the certificate of release of lien as defined in IRC 6325(a).

Form (a)	Period (b)	ID Number (c)	Assessed (d)	Refile Deadline (e)	Unpaid Balance (f)
1040	12/31/1995	<del>XXXXXXXX-4446</del>	11/25/1996	12/25/2006	7610.38
1040	12/31/1996	<del>XXXXXXXX-4446</del>	11/24/1997	12/24/2007	8203.40
1040	12/31/1997	<del>XXXXXXXX-4446</del>	11/23/1998	12/23/2008	15122.98
1040	12/31/1999	<del>XXXXXXXX-4446</del>	11/20/2000	12/20/2010	12031.07

Filed at: COUNTY RECORDER  
HENNEPIN E  
MINNEAPOLIS, MN 55487-0083

Total | \$ 42967.83

This notice was prepared and executed at ST PAUL, MN  
on this, the 02nd day of November, 2001.

Authorizing Official:  
S KILPATRICK

Title:  
ACS 41-01-0008

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Case No. BKY 04-41383  
MARK R. MAVIS, )  
 ) Chapter 13  
Debtor. )

DECLARATION OF ROYLENE A. CHAMPEAUX

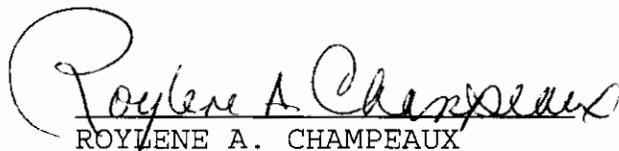
1. This declaration and the attached exhibits are submitted pursuant to 28 U.S.C. § 1746 in connection with the Objections of the United States of America to the Confirmation of the Debtor's Chapter 13 Plan and the United States Motion to Dismiss. I am the Assistant United States Attorney to whom this case is assigned.

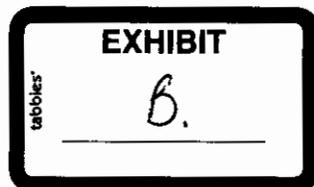
2. Attached are certified copies of the following:

- A. Docket - Bankruptcy No. 00-43447
- B. Claims Register - Bankruptcy No. 00-43447
- C. Docket - Bankruptcy No. 01-42361
- D. Claims Register - Bankruptcy No. 01-42361
- E. Docket - Bankruptcy No. 03-46655
- F. Claims Register - Bankruptcy No. 03-46655

3. Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2004 in Minneapolis, Minnesota.

  
ROYLENE A. CHAMPEAUX



## Return to Search Results Page

U.S. Bankruptcy Court  
District of Minnesota (Minneapolis)

Bankruptcy Petition #: 00-43447

Date filed: 8/1/00 Date terminated: 7/25/01  
Assigned to: Judge NANCY C DREHER  
Chapter 13 voluntary individual asset

## \* Attorneys \*

MARK R MAVIS  
19085 HOMESTEAD CIR  
EDEN PRAIRIE, MN 55346  
SSN: XXX-XX-4446  
(null) - \* Debtor \*

GREGORY J WALD  
55 E 5TH ST STE 1250  
ST PAUL, MN 55101  
651-222-4426

JASMINE Z KELLER  
12 S 6TH ST STE 310  
MINNEAPOLIS, MN 55402  
(null) - \* Trustee \*

US TRUSTEE  
331 2ND AVE S RM 540  
MINNEAPOLIS, MN 55401  
(null) - \* U S Trustee \*

CERTIFIED COPY - Certified a true copy  
5 pages on (date) 5/4/04  
Lori Vosejka, Acting Clerk, United States  
Bankruptcy Court, District of Minnesota  
(SEAL) BY [Signature], Deputy Clerk

Proceedings include all events.

CLOSED ARCHIV

8/1/00 1 Voluntary Petition missing documents: Schedules A through J  
;Proof of Claim (gov) Deadline: 1/29/01 ( Filing Fee \$  
185.00 Receipt # 118113) (ddj) [EOD 08/03/00]

8/3/00 2 ENTRY EDITED: FILING DATE 8/3/00, NOT 8/1/00, AS ORIGINALLY  
ENTERED. Order Upon Partial Case Filing ; Incomplete  
Filings Due: 8/16/00 Certificate of Mailing. (ddj)  
[EOD 08/03/00] [Edit date 07/24/01]

8/16/00 3 Schedules. (kdj) [EOD 08/16/00]

8/16/00 4 Chapter 13 Plan. (lms) [EOD 08/17/00]

8/16/00 5 Notice of Meeting of Creditors under 11 USC 341(a)  
Scheduled For 11:15 9/13/00 At Ch. 13 Office Minneapolis  
Confirmation Hearing Set For 10:00 10/5/00 At Courtroom  
West 7 (Minneapolis) ;Last Day to File Proofs of Claim:  
12/12/00 (lms) [EOD 08/17/00]

DECLARATION  
EXHIBIT A

Docket as of May 4, 2004 2:21 pm

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Proceedings include all events. CLOSED ARCHIV  
 00-43447 In re: MARK R MAVIS DISMSD 041101

8/19/00 6 Courts BNC Certificate of Service Re: [5-1] Meeting . #  
 of Notices: 14 were sent out. (auto) [EOD 08/22/00]

8/19/00 7 Court's Certificate of Mailing Re: [4-1] Chapter 13 Plan .  
 (lms) [EOD 08/24/00]

8/25/00 8 Notice of Appearance and Request for Service of Notice by  
 LINDA JEANNE JUNGERS for Interested Party REALTORS CREDIT  
 UNION . (slw) [EOD 08/25/00]

9/11/00 16 Added Party WELLS FARGO HOME MORTGAGE INC to Matrix. (klh)  
 [EOD 09/22/00]

9/12/00 9 Motion by Creditor GMAC For Relief From Stay . Affidavit.  
 Memorandum. Certificate of Service. Proposed Order. (lms)  
 [EOD 09/12/00]

9/12/00 -- Filing Fee Paid in Full Re: [9-1] Motion For Relief From  
 Stay by GMAC ( Filing Fee \$ 75.00 Receipt # 118820) (lms)  
 [EOD 09/12/00]

9/12/00 -- Hearing Re: [9-1] Motion For Relief From Stay by GMAC  
 Scheduled For 2:30 10/5/00 at Courtroom West 7  
 (Minneapolis) . (lms) [EOD 09/12/00]

9/14/00 10 ENTRY EDITED: FILING DATE 9/14/00, NOT 9/15/00, AS  
 ORIGINALLY ENTERED. Report of Trustee Re: [9-1] Motion For  
 Relief From Stay by GMAC . (lms) [EOD 09/15/00]  
 [Edit date 07/24/01]

9/15/00 11 Motion by Creditor REALTORS CREDIT UNION For Relief From  
 Stay . Memorandum. Certificate of Service. Proposed Order.  
 (lms) [EOD 09/18/00]

9/15/00 -- Filing Fee Paid in Full Re: [11-1] Motion For Relief From  
 Stay by REALTORS CREDIT UNION ( Filing Fee \$ 75.00 Receipt  
 # 118919) (lms) [EOD 09/18/00]

9/15/00 -- Hearing Re: [11-1] Motion For Relief From Stay by REALTORS  
 CREDIT UNION Scheduled For 2:30 10/5/00 at Courtroom West 7  
 (Minneapolis) . (lms) [EOD 09/18/00]

9/18/00 13 Notice by Trustee JASMINE Z KELLER Re: [5-1] Meeting HAS  
 NOT BEEN CONCLUDED. (ddj) [EOD 09/19/00]

9/19/00 12 Letter of CONTINUED Hearing by GREGORY J WALD for Debtor  
 MARK R MAVIS Re: [5-1] Meeting of Creditors . (klh)  
 [EOD 09/19/00]

9/22/00 14 Letter of continued Hearing by GREGORY J WALD for Debtor  
 MARK R MAVIS . (ddj) [EOD 09/22/00]

9/22/00 15 Report of Trustee Re: [11-1] Motion For Relief From Stay by  
 REALTORS CREDIT UNION . (slw) [EOD 09/22/00]

Docket as of May 4, 2004 2:21 pm

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Proceedings include all events.  
00-43447 In re: MARK R MAVIS

CLOSED ARCHIV  
DISMSD 041101

9/28/00 19 Application For Compensation Filed by GREGORY J WALD  
Attorney for Debtor. For Compensation ( Fees: \$ 850.00, )  
(dbs) [EOD 10/04/00]

9/29/00 17 Modified Chapter 13 Plan filed by Debtor MARK R MAVIS .  
NOTICE OF HEARING. CERTIFICATE OF SERVICE. (dbs)  
[EOD 10/03/00]

10/4/00 18 Affidavit Re: [11-1] Motion For Relief From Stay by  
REALTORS CREDIT UNION . (lms) [EOD 10/04/00]

10/5/00 20 Minute Sheet Re: [11-1] Motion For Relief From Stay by  
REALTORS CREDIT UNION . NO APPEARANCES. MOTION TO BE  
DENIED. PARTIES TO SUBMIT STIPULATED ORDER. (mjs)  
[EOD 10/05/00]

10/5/00 21 Minute Sheet Re: [9-1] Motion For Relief From Stay by GMAC.  
NO APPEARANCES. MOTION TO BE DENIED. PARTIES TO SUBMIT  
STIPULATED ORDER. (mjs) [EOD 10/05/00]

10/5/00 24 Minute Sheet Re: [4-1] Chapter 13 Plan . HEARING  
CONTINUED. (lms) [EOD 10/11/00]

10/5/00 -- Hearing Re: [4-1] Chapter 13 Plan ;CONTINUED Confirmation  
Hearing Set For 10:00 11/2/00 at Courtroom West 7  
(Minneapolis) . (lms) [EOD 10/11/00]

10/6/00 22 Order Denying [11-1] Motion For Relief From Stay by  
REALTORS CREDIT UNION . (DREHER, J.: 10/6/00). COURT  
CERTIFICATE OF MAILING. (mjs) [EOD 10/06/00]

10/10/00 23 Order Denying [9-1] Motion For Relief From Stay by GMAC .  
(DREHER, J.: 10/10/00). COURT CERTIFICATE OF MAILING. (mjs)  
[EOD 10/10/00]

11/2/00 25 Minute Sheet Re: [4-1] Chapter 13 Plan . HEARING CONTINUED  
(slw) [EOD 11/06/00]

11/6/00 -- Hearing Re: [4-1] Chapter 13 Plan CONTINUED ; Confirmation  
Hearing Set For 10:00 12/7/00 at Courtroom West 7  
(Minneapolis) . (slw) [EOD 11/06/00]

11/13/00 26 Motion by Creditor WELLS FARGO HOME MORTGAGE INC For Relief  
From Stay . Affidavits. Memorandum. Certificate of Service.  
Proposed Order. (lms) [EOD 11/13/00]  
[Edit date 07/24/01]

11/13/00 -- Filing Fee Paid in Full Re: [26-1] Motion For Relief From  
Stay by WELLS FARGO HOME MORTGAGE INC ( Filing Fee \$ 75.00  
Receipt # 119993) (lms) [EOD 11/13/00]

Docket as of May 4, 2004 2:21 pm

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Proceedings include all events. CLOSED ARCHIV  
 00-43447 In re: MARK R MAVIS DISMSD 041101

11/13/00 -- Hearing Re: [26-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC Scheduled For 2:30 11/30/00 at Courtroom West 7 (Minneapolis) . (lms) [EOD 11/13/00]

11/20/00 27 Report of Trustee Re: [26-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC . (lms) [EOD 11/21/00]

11/27/00 28 Affidavit of Default by PATRICK SUMMERS In RE: [23-1] Order, [9-1] Motion For Relief From Stay by GMAC. CERTIFICATE OF SERVICE. PROPOSED ORDER. (dbs) [EOD 11/27/00]

11/29/00 29 Order Granting [28-1] Affidavit Granting [9-1] Motion For Relief From Stay by GMAC . (DREHER,J:11/27/00). CERTIFICATE OF MAILING. (kak) [EOD 11/29/00]

11/30/00 30 Minute Sheet Re: [26-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC . NO APPEARANCES NECESSARY - MATTER STIPULATED. THOMAS REITER TO PROVIDE REVISED FORM OF ORDER. (kak) [EOD 11/30/00]

12/1/00 31 Order Denying [26-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC . (DREHER,J:11/30/00). CERTIFICATE OF MAILING. (kak) [EOD 12/01/00]

12/7/00 32 Minute Sheet Re: [4-1] Chapter 13 Plan . PLAN CONFIRMED. (lms) [EOD 12/14/00]

12/14/00 33 Order Confirming [4-1] Chapter 13 Plan . Granting Attorney's Fees in the Amount of \$ 850.00. Certificate of Mailing. (lms) [EOD 12/14/00]

2/16/01 34 Affidavit of Default by THOMAS J REITER In RE: [31-1] Order, [26-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC. PROPOSED ORDER. (dbs) [EOD 02/16/01]

2/21/01 35 Order Granting [34-1] Affidavit Granting [26-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC . (DREHER,J:2/20/01). CERTIFICATE OF MAILING. (kak) [EOD 02/21/01]

3/9/01 36 Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Affidavit. Certificate of Service. (smd) [EOD 03/12/01]

3/9/01 -- Hearing Re: [36-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER Scheduled For 10:00 4/5/01 at Courtroom West 7 (Minneapolis) . (smd) [EOD 03/12/01]

3/9/01 41 Assignment of Claim # 2 to RESURGENT ACQUISTION. (lms) [EOD 05/31/01]

4/4/01 37 Response by Debtor MARK R MAVIS to [36-1] Motion To

Dismiss or Convert Case by JASMINE Z KELLER . CERTIFICATE  
OF SERVICE. (dbs) [EOD 04/04/01]

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00-43447 In re: MARK R MAVIS

CLOSED ARCHIV

DISMSD 041101

4/5/01 38 Minute Sheet Re: [36-1] Motion To Dismiss or Convert Case  
by JASMINE Z KELLER . CASE DISMISSED (kkn) [EOD 04/11/01]

4/11/01 39 Order Dismissing Case. (kkn) [EOD 04/11/01]

4/13/01 40 Courts BNC Certificate of Service Re: [39-1] To Dismiss  
Order . # of Notices: 20 were sent out. (auto)  
[EOD 04/14/01]

6/18/01 42 Trustee's Final Report in Chapter 13 Case - Dismissed. (cnn)  
[EOD 06/18/01]

7/25/01 43 Order Closing Case and Discharging Trustee. (cnn)  
[EOD 07/25/01]

7/25/01 -- Case Closed. (cnn) [EOD 07/25/01]

Claims Data for Case 0-43447

An 'underlined blue or purple' entry in the 'Creditor' column indicates that there is an image for the entry. The image can be accessed using either the Paperport viewer for MAX documents or the Adobe Acrobat Reader for PDF documents. These viewers may be downloaded free of charge by clicking on the Image Viewer Download hyperlink. Install help is available by clicking on the Viewer Install Help hyperlink. The buttons in the 'Link' column display text associated with the entry.

CERTIFIED COPY - Certified a true copy  
2 pages on (date) 5/4/04  
 Lori Vosejka, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY LRV, Deputy Clerk

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Claim Date	Amount	Claim Number	Descriptive Text	Creditor	
08/30/00	31335.99	1		<u>GMAC</u> PO BOX 130424 ROSEVILLE MN 55113	Claim image exists
09/01/00	12154.45	2	ASGND 03/09/01 SEE DOC 41	<u>US BANK</u> PO BOX 17143 DENVER CO 80217  <u>CLAIM ASSIGNMENT:</u> <u>03/09/01</u>	Claim image exists
09/05/00	18937.61	3		<u>US BANK</u> PO BOX 17143 DENVER CO 80217	Claim image exists
09/05/00	28605.63	4		<u>US BANK</u> PO BOX 17143 DENVER CO 80217	Claim image exists
09/25/00	28230.00	5		<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
09/25/00	4707.40	6	6843-24	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists

09/25/00	363.86	7	6843-29	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
09/25/00	363.86	8	6843-30	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
09/25/00	7995.14	9	6843-25	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
09/25/00	1527.46	10	6843-26	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
12/05/00	4112.79	11		<u>MN DEPT OF REVENUE BANKRUPTCY SECTION</u> PO BOX 64447 ST PAUL MN 55164-0447	Claim image exists
03/12/01	8491.02	12		<u>GMAC</u> PO BOX 7041 TROY MI 48007-7041	Claim image exists

U S Bankruptcy Court - District of Minnesota  
Last revised: October 24, 2000

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U.S. Bankruptcy Court  
District of Minnesota (Minneapolis)

Bankruptcy Petition #: 01-42361

Date filed: 5/25/01 Date terminated: 1/28/04  
Assigned to: JUDGE NANCY C DREHER  
Chapter 13 voluntary individual asset

=====

\* Attorneys \*

MARK R MAVIS  
19085 HOMESTEAD CIR  
EDEN PRAIRIE, MN 55346  
SSN: XXX-XX-4446  
\* Debtor \*

GREGORY J WALD  
3601 MINNESOTA DR STE 800  
EDINA, MN 55435  
952-921-5802

-----

JASMINE Z KELLER  
12 S 6TH ST STE 310  
MINNEAPOLIS, MN 55402  
\* Trustee \*

CERTIFIED COPY - Certified a true copy  
8 pages on (date) 5/14/01  
Lori Vosejka, Acting Clerk, United States  
Bankruptcy Court, District of Minnesota  
(SEAL) BY *DLG*, Deputy Clerk

US TRUSTEE  
1015 US COURTHOUSE  
300 S 4TH ST  
MINNEAPOLIS, MN 55415  
\* U S Trustee \*

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Proceedings include all events.

CLOSED

- 5/25/01 1 Voluntary Petition missing documents: Schedules A through J ;Proof of Claim (gov) Deadline: 11/21/01 ( Filing Fee \$ 185.00 Receipt # 124499) (ddj) [EOD 05/29/01]
- 5/29/01 2 Order Upon Partial Case Filing ; Incomplete Filings Due: 6/11/01 Certificate of Mailing. (ddj) [EOD 05/29/01]
- 6/6/01 3 Schedules. (lab) [EOD 06/06/01]
- 6/6/01 4 Chapter 13 Plan. (gaw) [EOD 06/07/01]
- 6/6/01 5 Notice of Meeting of Creditors under 11 USC 341(a) Scheduled For 2:45 7/11/01 At Ch. 13 Office Minneapolis Confirmation Hearing Set For 10:00 8/2/01 At Courtroom West 7 (Minneapolis) ;Last Day to File Proofs of Claim: 10/9/01 (gaw) [EOD 06/07/01]

DECLARATION  
EXHIBIT C

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 01-42361 In re: MARK R MAVIS DISMSD 090803

6/9/01 6 Courts BNC Certificate of Service Re: [5-1] Meeting . #  
 of Notices: 14 were sent out. (auto) [EOD 06/12/01]

6/9/01 7 Court's Certificate of Mailing Re: [4-1] Chapter 13 Plan .  
 (gaw) [EOD 06/13/01]

6/25/01 8 Added Party WELLS FARGO HOME MORTGAGE INC to Matrix. (mgb)  
 [EOD 07/02/01]

7/16/01 10 Application For Compensation Filed by GREGORY J WALD  
 Attorney for Debtor. For Compensation ( Fees: \$ 850.00, )  
 (dbs) [EOD 08/02/01]

7/20/01 9 Notice of Hearing and Motion by Creditor REALTORS CREDIT  
 UNION (JUNGERS) For Relief From Stay . Hearing Scheduled  
 For 2:30 8/9/01 at Courtroom West 7 (Minneapolis) , Filing  
 fee paid \$ 75.00, Record: E3601; Affidavit, Memorandum of  
 Law, Proof of Service, Proposed Order. (A061) [EOD 07/20/01]

8/2/01 11 Minute Sheet Re: [4-1] Chapter 13 Plan . HEARING CONTINUED  
 (gaw) [EOD 08/03/01]

8/2/01 -- CONTINUED Hearing Re: [4-1] Chapter 13 Plan ; Confirmation  
 Hearing Set For 10:00 9/6/01 at Courtroom West 7  
 (Minneapolis) . (gaw) [EOD 08/03/01]

8/3/01 12 Motion by Trustee JASMINE Z KELLER To Dismiss or Convert  
 Case . Affidavit. Certificate of Service. (gaw)  
 [EOD 08/03/01]

8/3/01 -- Hearing Re: [12-1] Motion To Dismiss or Convert Case by  
 JASMINE Z KELLER Scheduled For 10:00 9/6/01 at Courtroom  
 West 7 (Minneapolis) . (gaw) [EOD 08/03/01]

8/3/01 13 Response by Chapter 13 Trustee to [9-1] Motion For Relief  
 From Stay by REALTORS CREDIT UNION (JUNGERS) (A324)  
 [EOD 08/03/01]

8/9/01 14 Minute Sheet Re: [9-1] Motion For Relief From Stay by  
 REALTORS CREDIT UNION (JUNGERS) . NO APPEARANCES.  
 STIPULATED ORDER TO BE SUBMITTED. (mjs) [EOD 08/09/01]

8/10/01 15 Order Denying [9-1] Motion For Relief From Stay by  
 REALTORS CREDIT UNION (JUNGERS) . (DREHER, J.: 8/10/01).  
 COURT CERTIFICATE OF MAILING. (mjs) [EOD 08/10/01]

8/28/01 16 Notice of Hearing and Motion by Creditor WELLS FARGO HOME  
 MORTGAGE INC For Relief From Stay . Hearing Scheduled For  
 2:30 9/20/01 at Courtroom West 7 (Minneapolis) , Filing fee  
 paid \$ 75.00, Record: E4033; Affidavit, Memorandum of Law,  
 Proof of Service, Proposed Order. (A121) [EOD 08/28/01]

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01-42361 In re: MARK R MAVIS DISMSD 090803

9/6/01 17 Minute Sheet Re: [12-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER, [4-1] Chapter 13 Plan . HEARINGS CONTINUED (gaw) [EOD 09/14/01]

9/14/01 -- Hearing Re: [12-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER Continued For 10:00 10/4/01 at Courtroom West 7 (Minneapolis) ; Confirmation Hearing CONTINUED For 10:00 10/4/01 at Courtroom West 7 (Minneapolis), [4-1] Chapter 13 Plan . (gaw) [EOD 09/14/01]

9/17/01 18 Response by Chapter 13 Trustee to [16-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC (A324) [EOD 09/17/01]

9/20/01 19 Minute Sheet Re: [16-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC . NO APPEARANCSE NECESSARY - STIPULATED FORM OF ORDER SUBMITTED DENYING MOTION. (kak) [EOD 09/20/01]

9/20/01 20 Order Denying [16-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC . (DREHER,J:9/20/01). CERTIFICATE OF MAILING. (kak) [EOD 09/20/01]

10/4/01 21 Minute Sheet Re: [12-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER, [4-1] Chapter 13 Plan . HEARINGS CONTINUED (gaw) [EOD 10/10/01]

10/4/01 -- CONTINUED Hearing Re: [12-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER Continued For 10:00 11/1/01 at Courtroom West 7 (Minneapolis) ; CONTINUED Confirmation Hearing Set For 10:00 11/1/01 at Courtroom West 7 (Minneapolis), [4-1] Chapter 13 Plan . (gaw) [EOD 10/10/01]

10/4/01 22 Added Party RELIANT ENERGY to Matrix. (klh) [EOD 10/23/01]

10/31/01 23 Modified Chapter 13 Plan filed by Debtor MARK R MAVIS. NOTICE OF HEARING. CERTIFICATE OF SERVICE. (dbs) [EOD 10/31/01]

11/1/01 24 Minute Sheet Re: [12-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER, [4-1] Chapter 13 Plan. HEARINGS CONTINUED. (rmg) [EOD 11/30/01]

11/1/01 -- Hearing Re: [23-1] Modified Plan by MARK R MAVIS ; CONTINUED Confirmation Hearing Set For 10:00 12/6/01 at Courtroom West 7 (Minneapolis), [12-1] Motion To Dismiss or Convert Case JASMINE Z KELLER Continued For 10:00 12/6/01 at Courtroom West 7 (Minneapolis) . (rmg) [EOD 11/30/01]

12/6/01 25 Minute Sheet Re: [23-1] Modified Plan by MARK R MAVIS, [12-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . PLAN CONFIRMED (gaw) [EOD 12/11/01]

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01-42361 In re: MARK R MAVIS DISMSD 090803

12/11/01 26 Order Confirming [23-1] Modified Plan by MARK R MAVIS .  
Granting Attorney's Fees in the Amount of \$ 850.00.  
CERTIFICATE OF MAILING (gaw) [EOD 12/11/01]

2/8/02 27 Motion by Trustee JASMINE Z KELLER To Dismiss or Convert  
Case . Affidavit. Certificate of Service. (gaw)  
[EOD 02/14/02]

2/8/02 -- Hearing Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER Scheduled For 10:00 3/7/02 at Courtroom  
West 7 (Minneapolis) . (gaw) [EOD 02/14/02]

3/7/02 -- Minutes Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER . HEARING CONTINUED (gaw) [EOD 03/13/02]

3/7/02 -- Hearing Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER Continued For 10:00 4/4/02 at Courtroom  
West 7 (Minneapolis) . (gaw) [EOD 03/13/02]

4/4/02 -- Minutes Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER . HEARING CONTINUED. (dbs) [EOD 04/19/02]

4/4/02 -- Hearing Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER Continued For 10:00 5/2/02 at Courtroom  
West 7 (Minneapolis) . (dbs) [EOD 04/19/02]

4/29/02 28 Modified Chapter 13 Plan filed by Debtor MARK R MAVIS . (dbs)  
[EOD 04/29/02]

4/29/02 29 Motion By Debtor MARK R MAVIS To Confirm Modified Plan .  
AFFIDAVIT. (dbs) [EOD 04/29/02]

4/29/02 -- Hearing Re: [29-1] Motion To Confirm Modified Plan by MARK  
R MAVIS Scheduled For 10:00 6/6/02 at Courtroom West 7  
(Minneapolis) . (dbs) [EOD 04/29/02]

4/29/02 30 Application For POSTCONFIRMATION Compensation Filed by  
GREGORY J WALD Attorney for Debtor. For Compensation (  
Fees: \$ 225.00, ) (dbs) [EOD 04/29/02]  
[Edit date 04/29/02]

4/30/02 31 Certificate of Service by GREGORY J WALD for Debtor MARK R  
MAVIS of [28-1] Modified Plan by MARK R MAVIS, [29-1]  
Motion To Confirm Modified Plan by MARK R MAVIS . (dbs)  
[EOD 04/30/02]

5/2/02 -- Minutes Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER . HEARING CONTINUED. (gaw) [EOD 05/06/02]

5/2/02 -- Hearing Re: [27-1] Motion To Dismiss or Convert Case by  
JASMINE Z KELLER Continued For 10:00 6/6/02 at Courtroom  
West 7 (Minneapolis) . (gaw) [EOD 05/06/02]

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01-42361 In re: MARK R MAVIS DISMSD 090803

6/6/02 -- Minutes Re: [29-1] Motion To Confirm Modified Plan by MARK R MAVIS, [27-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . MODIFIED PLAN CONFIRMED. MOTION TO DISMISS STRICKEN. (lmm) [EOD 06/11/02]

6/11/02 32 Order Confirming Postconfirmation [28-1] Modified Plan by MARK R MAVIS . Certificate of Service. (lmm) [EOD 06/11/02]

6/14/02 34 Application For Postconfirmation Compensation Filed by GREGORY J WALD Attorney for Debtor. For Compensation ( Fees: \$ 225.00, ) (lmm) [EOD 06/26/02]

6/18/02 33 Order Granting Postconfirmation Attorney's Fees Re: [30-1] Application For Compensation ( Fees: \$ 225.00, ) in the Amount of \$ 225.00. Certificate of Service. (rmg) [EOD 06/18/02]

6/26/02 35 Order Granting Postconfirmation Attorney's Fees Re: [34-1] Application For Compensation ( Fees: \$ 225.00, ) in the Amount of \$ 225.00. Certificate of Service. (lmm) [EOD 06/26/02]

8/9/02 36 Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Affidavit. Certificate of Service. (lmm) [EOD 08/09/02]

8/9/02 -- Hearing Re: [36-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER Scheduled For 10:00 9/5/02 at Courtroom West 7 (Minneapolis) . (lmm) [EOD 08/09/02]

8/28/02 37 Response by Debtor MARK R MAVIS to [36-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . Proof of Service. ..DOCUMENTS NOT SUBMITTED: Affidavit, Memorandum of Law ..END DOCUMENTS NOT SUBMITTED. (A299) [EOD 08/28/02]

8/29/02 38 Application for Postconfirmation Compensation Filed by Attorney for Debtor. Fees: \$ 225.00. Proposed Order, Administrative expense proof of claim. (A299) [EOD 08/29/02]

9/5/02 -- Minutes Re: [36-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . MATTER SETTLED. AGREED ORER TO ENTER. (dbs) [EOD 09/05/02]

9/5/02 39 Order Denying [36-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . CERTIFICATE OF MAILING. (dbs) [EOD 09/05/02]

9/11/02 40 Order Granting POSTCONFIRMATION Attorney's Fees Re: [38-1] Chapter 13 Application in the Amount of \$ 225.00. Certificate of Service. (dbs) [EOD 09/11/02]

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 01-42361 In re: MARK R MAVIS DISMSD 090803

10/16/02 41 Affidavit of Default by Trustee JASMINE Z KELLER In Re:  
 [36-1] Motion To Dismiss or Convert Case by JASMINE Z  
 KELLER and [39-1] Order Proposed Order. ..DOCUMENTS NOT  
 SUBMITTED: , Proof of Service ..END DOCUMENTS NOT  
 SUBMITTED. (A149) [EOD 10/16/02]

10/18/02 42 Order Dismissing Case. (dbs) [EOD 10/18/02]

10/24/02 43 Court's Certificate of Mailing Re: [42-1] To Dismiss Order  
 . (lmm) [EOD 10/24/02]

11/11/02 44 ENTRY EDITED: AFFIDAVIT SUBMITTED. Notice of Hearing and  
 Motion by Debtor MARK R MAVIS To Vacate [42-1] To Dismiss  
 Order Hearing Scheduled for 1:45 11/26/02 at Courtroom West  
 7 (Minneapolis), Memorandum of Law, Proof of Service,  
 Proposed Order. ..DOCUMENTS NOT SUBMITTED: Affidavit ..END  
 DOCUMENTS NOT SUBMITTED. (A299) [EOD 11/11/02]  
 [Edit date 11/12/02]

11/18/02 45 Chapter 13 trustee's final report in dismissed case. (A324)  
 [EOD 11/18/02]

11/26/02 -- Minutes Re: [44-1] Motion To Vacate [42-1] To Dismiss Order  
 by MARK R MAVIS . NO APPEARANCES NECESSARY - GRANTED AS  
 DEFAULT. (kak) [EOD 11/26/02]

11/26/02 46 Order Granting [44-1] Motion To Vacate [42-1] To Dismiss  
 Order by MARK R MAVIS Vacating [42-1] To Dismiss Order .  
 (DREHER,J:11/26/02). CERTIFICATE OF MAILING. (kak)  
 [EOD 11/26/02]

12/2/02 47 Order AMENDING ORDER VACATING DISMISSAL. THIS COURT'S  
 ORDER DATED AND ENTERED 11/26/02 IS AMENDED ONLY TO CORRECT  
 THE TYPOGRAPHICAL ERROR IN PARAGRAPH 1 REGARDING THE DATE  
 OF THE COURT'S DISMISSAL ORDER. (DREHER,J:12/2/02).  
 CERTIFICATE OF MAILING. (kak) [EOD 12/02/02]

12/3/02 48 Notice TO CREDITORS: DISMISSAL VACATED. (dbs) [EOD 12/03/02]

12/4/02 49 Withdrawal of [45-1] To Dismiss Ch 13 Report by Trustee  
 JASMINE Z KELLER.. ..DOCUMENTS NOT SUBMITTED: , Proof of  
 Service ..END DOCUMENTS NOT SUBMITTED. (A324) [EOD 12/04/02]

12/10/02 50 Court's Certificate of Mailing Re: [48-1] Notice of . (D\_S)  
 [EOD 12/10/02]

12/30/02 51 Order Closing Case and Discharging Trustee. (cnn)  
 [EOD 12/30/02]

12/30/02 -- Case Closed. (cnn) [EOD 12/30/02]

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 01-42361 In re: MARK R MAVIS DISMSD 090803

2/13/03 52 Notice of Hearing and Motion by Debtor MARK R MAVIS To Confirm Modified Plan . Hearing Scheduled for 10:00 3/6/03 at Courtroom West 7 (Minneapolis) Proof of Service. ..DOCUMENTS NOT SUBMITTED: Affidavit, Memorandum of Law ..END DOCUMENTS NOT SUBMITTED. (A299) [EOD 02/13/03]

2/13/03 53 Modified Chapter 13 Plan filed by Debtor MARK R MAVIS. Proof of Service, Signature declaration (if debtor is filer). (A299) [EOD 02/13/03]

2/13/03 54 Simplified application for Postconfirmation Compensation Filed by Attorney for Debtor. Fees: \$ 225.00. Expenses: \$ 0. Proposed Order. (A299) [EOD 02/13/03]

2/18/03 55 Order Vacating [51-1] Close Case Order. CERTIFICATE OF MAILING. (rmg) [EOD 02/18/03]

2/18/03 -- Case Reopened. (rmg) [EOD 02/18/03]

3/6/03 -- Minutes Re: [52-1] Motion To Confirm Modified Plan by MARK R MAVIS . HEARING CONTINUED. (lmm) [EOD 03/10/03]

3/6/03 -- Hearing Re: [52-1] Motion To Confirm Modified Plan by MARK R MAVIS Continued For 10:00 4/3/03 at Courtroom West 7 (Minneapolis) . (lmm) [EOD 03/10/03]

4/3/03 -- Minutes Re: [52-1] Motion To Confirm Modified Plan by MARK R MAVIS . PLAN CONFIRMED. (lmm) [EOD 04/03/03]

4/3/03 56 Order Confirming Postconfirmation [53-1] Modified Plan by MARK R MAVIS . Certificate of Service. (lmm) [EOD 04/03/03]

4/4/03 57 Affidavit of Default by Creditor REALTORS CREDIT UNION (JUNGERS) In Re: [9-1] Motion For Relief From Stay by REALTORS CREDIT UNION (JUNGERS) and [15-1] Order Proof of Service, Proposed Order. (A061) [EOD 04/04/03]

4/7/03 58 Order Granting [57-1] Default Affidavit by REALTORS CREDIT UNION (JUNGERS) Granting [9-1] Motion For Relief From Stay by REALTORS CREDIT UNION (JUNGERS) . (DREHER,J:4/7/03). CERTIFICATE OF MAILING. (kak) [EOD 04/07/03]

4/8/03 59 Order Granting POSTCONFIRMATION Attorney's Fees Re: [54-1] Chapter 13 Application in the Amount of \$ 225.00. Certificate of Service. (lmm) [EOD 04/08/03]

5/9/03 60 Notice of Hearing and Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Hearing Scheduled for 10:30

6/5/03 at Courtroom West 7 (Minneapolis) Affidavit, Proof of Service. (A149) [EOD 05/09/03]

6/5/03 -- Minutes Re: [60-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . MOTION STRICKEN. (lmm) [EOD 06/10/03]

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CLOSED

01-42361 In re: MARK R MAVIS

DISMSD 090803

6/19/03 61 Simplified application for Postconfirmation Compensation Filed by Attorney for Debtor. Fees: \$ 225.00. Expenses: \$ 0. Proposed Order. (A299) [EOD 06/19/03]

6/20/03 62 Order Granting POSTCONFIRMATION Attorney's Fees Re: [61-1] Chapter 13 Application in the Amount of \$ 225.00. Certificate of Service. (lmm) [EOD 06/20/03]

7/17/03 63 Affidavit of Default by Creditor WELLS FARGO HOME MORTGAGE INC In Re: [20-1] Order and [16-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC Proof of Service, Proposed Order. (A121) [EOD 07/17/03]

7/18/03 64 Order Granting [63-1] Default Affidavit by WELLS FARGO HOME MORTGAGE INC Granting [16-1] Motion For Relief From Stay by WELLS FARGO HOME MORTGAGE INC. (DREHER,J.: 7/18/03) CERTIFICATE OF MAILING. (kkn) [EOD 07/18/03]

8/14/03 65 Notice of Hearing and Motion by Trustee JASMINE Z KELLER To Dismiss or Convert Case . Hearing Scheduled for 10:30 9/4/03 at Courtroom West 7 (Minneapolis) Affidavit, Proof of Service. (A149) [EOD 08/14/03]

9/4/03 -- Minutes Re: [65-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER . CASE DISMISSED. (lmm) [EOD 09/08/03]

9/8/03 66 Order Dismissing Case. Certificate of Service. (lmm) [EOD 09/08/03]

12/10/03 67 Chapter 13 trustee's final report in dismissed case. (A324) [EOD 12/10/03]

1/28/04 68 Order Closing Case and Discharging Trustee. (cnn) [EOD 01/28/04]

1/28/04 -- Case Closed. (cnn) [EOD 01/28/04]

**Claims Data for Case 1-42361**

An 'underlined blue or purple' entry in the 'Creditor' column indicates that there is an image for the entry. The image can be accessed using either the Paperport viewer for MAX documents or the Adobe Acrobat Reader for PDF documents. These viewers may be downloaded free of charge by clicking on the [Image Viewer Download](#) hyperlink. Install help is available by clicking on the [Viewer Install Help](#) hyperlink. The buttons in the 'Link' column display text associated with the entry.

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 Lori Vosejka, Acting Clerk, United States  
 Bankruptcy Court, District of Minnesota  
 (SEAL) BY Ad, Deputy Clerk

Claim Date	Amount	Claim Number	Descriptive Text	Creditor	
05/29/01	551.62	1		<u>US BANK</u> PO BOX 17143 DENVER CO 80217	Claim image exists
07/02/01	3054.65	2		<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
07/02/01	24176.49	3	6843-21	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
07/02/01	7724.25	4	6843-25	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
07/02/01	1058.28	5	6843-26	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
07/02/01	3000.00	6	6843-28	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
07/02/01	156.25	7	6843-29	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
07/02/01	7552.37	8	6843-30	<u>REALTORS CREDIT UNION</u> PO BOX 1197 MPLS MN 55440	Claim image exists
				<u>WELLS FARGO HOME</u>	

07/05/01	174819.73	9		<u>MORTGAGE INC</u> BANKRUPTCY DEPT BUILDING 7 5024 PKWY PLZ BLVD CHARLOTTE NC 28217	Claim image exists
07/20/01	8491.02	10		<u>GENERAL MOTORS</u> <u>ACCEPTANCE CORP</u> PO BOX 173793 DENVER CO 80217-3793	Claim image exists
10/22/01	1971.70	11		<u>RELIANT ENERGY</u> 800 LASALLE AVE MINNEAPOLIS MN 55402-2013	Claim image exists
11/19/01	4537.94	12	Please refer to Claim Number 13	<u>MN DEPT OF REVENUE</u> BANKRUPTCY SECTION PO BOX 64447 ST PAUL MN 55164-0447	Claim image exists
01/04/02	8404.87	13	Amendment of Claim Number 12	<u>MN DEPT OF REVENUE</u> BANKRUPTCY SECTION PO BOX 64447 ST PAUL MN 55164-0447	Claim image exists
04/29/02	225.00	14		<u>GREGORY WALD</u> 1250 NORWEST CENTER ST PAUL MN 55101	Claim image exists
06/14/02	225.00	15	01-131	<u>GREGORY WALD</u> 1250 NORWEST CENTER ST PAUL MN 55101	Claim image exists
08/29/02	225.00	16		<u>GREGORY WALD</u> 1250 NORWEST CENTER ST PAUL MN 55101	Claim image exists
02/13/03	225.00	17		<u>GREGORY WALD</u> 1250 NORWEST CENTER ST PAUL MN 55101	Claim image exists
06/19/03	225.00	18		<u>GREGORY WALD</u> 1250 NORWEST CENTER ST PAUL MN 55101	Claim image exists

**U S Bankruptcy Court - District of Minnesota**  
Last revised: October 24, 2000

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U.S. Bankruptcy Court  
District of Minnesota (Minneapolis)

Bankruptcy Petition #: 03-46655

Date filed: 9/22/03 Date terminated: 4/9/04  
Assigned to: JUDGE NANCY C DREHER  
Chapter 13 voluntary individual asset

=====

\* Attorneys \*

MARK R MAVIS  
19085 HOMESTEAD CIRCLE  
EDEN PRAIRIE, MN 55346  
SSN: XXX-XX-4446  
\* Debtor \*

GREGORY J WALD  
3601 MINNESOTA DR STE 800  
EDINA, MN 55435  
952-921-5802

-----

U S TRUSTEE  
1015 U S COURTHOUSE  
300 S 4TH ST  
MINNEAPOLIS, MN 55415  
\* U S Trustee \*

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Bankruptcy Court, District of Minnesota  
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JASMINE Z KELLER  
12 S 6TH ST STE 310  
MINNEAPOLIS, MN 55402  
\* Trustee \*

-----

Proceedings include all events. CLOSED

- 9/22/03 1 Voluntary Petition all schedules and statements. Proof of Claim (gov) Deadline: 3/22/04 Electronically filed by Gregory J Wald on: Mon Sep 22 11:06:33 2003 (A299) [EOD 09/22/03]
- 9/22/03 2 Declaration of Original Signature Re: [1-1] Electronic Voluntary Petition . (A299) [EOD 09/22/03]
- 9/22/03 -- Added U S TRUSTEE. (auto) [EOD 09/22/03]
- 9/22/03 3 Creditor list supplied by debtor. (A299) [EOD 09/22/03]
- 9/22/03 4 Chapter 13 Plan. (A299) [EOD 09/22/03]
- 9/23/03 -- Filing Fee Paid in Full Re: [1-1] Electronic Voluntary Petition ( Filing Fee \$ 185.00 Receipt # 149870) (hej) [EOD 09/23/03]

**DECLARATION  
EXHIBIT E**

Docket as of May 4, 2004 2:25 pm

Page 1

Proceedings include all events. CLOSED  
 03-46655 In re: MARK R MAVIS DISMSD 120803

9/23/03 5 Notice of Meeting of Creditors under 11 USC 341(a)  
 Scheduled For 11:15 10/22/03 At Ch. 13 Office Minneapolis  
 Confirmation Hearing Set For 10:30 11/6/03 At Courtroom  
 West 7 (Minneapolis) ;Last Day to File Proofs of Claim:  
 1/20/04 Certificate of Service. (hej) [EOD 09/23/03]

9/26/03 6 Court's Certificate of Mailing Re: [4-1] Chapter 13 Plan .  
 (H\_J) [EOD 09/26/03]

10/3/03 -- Added Party MINNEGASCO by Gregory J Wald to Matrix on Fri  
 Oct 3 13:03:51 2003. (A299) [EOD 10/03/03]

10/6/03 7 Notice of Appearance and Request for Service of Notice by  
 HILARY B BONIAL for Interested Party WELLS FARGO HOME  
 MORTGAGE INC . CERTIFICATE OF SERVICE. (hej) [EOD 10/06/03]

10/28/03 8 Notice by Chapter 13 Trustee that the meeting of creditors  
 has not been concluded. (A149) [EOD 10/28/03]

11/6/03 -- Minutes Re: [4-1] Chapter 13 Plan . HEARING CONTINUED (hej)  
 [EOD 11/07/03]

11/6/03 -- Hearing Re: [4-1] Chapter 13 Plan ; CONTINUED Confirmation  
 Hearing Set For 10:30 12/4/03 at Courtroom West 7  
 (Minneapolis) . (hej) [EOD 11/07/03]

11/10/03 9 Notice of Hearing and Motion by Trustee JASMINE Z KELLER  
 To Dismiss or Convert Case . Hearing Scheduled for 10:30  
 12/4/03 at Courtroom West 7 (Minneapolis) Affidavit, Proof  
 of Service. (A149) [EOD 11/10/03]

11/12/03 10 ENTRY EDITED: NOTICE OF HEARING SUBMITTED. Modified Chapter  
 13 Plan filed by Debtor MARK R MAVIS. Proof of Service,  
 Signature declaration (if debtor is filer). ..DOCUMENTS NOT  
 SUBMITTED: Notice of Preconfirmation modification of  
 chapter 13 plan ..END DOCUMENTS NOT SUBMITTED. (A299)  
 [EOD 11/12/03] [Edit date 11/18/03]

12/1/03 11 Objection by Trustee JASMINE Z KELLER to Confirmation of  
 [10-1] Plan and Motion to Dismiss. Affidavit, Memorandum of  
 Law, Proof of Service, Proposed Order. (A149) [EOD 12/01/03]  
 [Edit date 12/01/03]

12/4/03 -- Minutes Re: [11-1] confirmation of plan Objection by  
 JASMINE Z KELLER, [10-1] Modified Plan by MARK R MAVIS,  
 [9-1] Motion To Dismiss or Convert Case by JASMINE Z KELLER  
 . CASE DISMISSED ON TRUSTEE'S MOTION. (dbs) [EOD 12/08/03]

12/8/03 12 Order Dismissing Case. Certificate of Service. (dbs)  
 [EOD 12/08/03]

2/10/04 13 Chapter 13 trustee's final report in dismissed case. (A324)  
 [EOD 02/10/04]

Docket as of May 4, 2004 2:25 pm

Page 2

Proceedings include all events.

03-46655 In re: MARK R MAVIS

CLOSED

DISMSD 120803

4/9/04 14 Order Closing Case and Discharging Trustee. (cnn)  
[EOD 04/09/04]

4/9/04 -- Case Closed. (cnn) [EOD 04/09/04]

**Claims Data for Case 3-46655**

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Claim Date	Amount	Claim Number	Descriptive Text	Creditor	
10/03/03	476.31	1	5488975019913998	<u>HOUSEHOLD CREDIT SERVICES</u> PO BOX 5216 CAROL STREAM IL 60197	Claim image exists
10/28/03	3023.55	2		<u>CENTERPOINT ENERGY MINNEGASCO</u> 800 LASALLE AVE MPLS MN 55402	Claim image exists
11/20/03	12096.45	3		<u>RESURGENT CAPITAL SERV</u> PO BOX 10587 GREENVILLE SC 29603-0587	Claim image exists

U S Bankruptcy Court - District of Minnesota  
Last revised: October 24, 2000

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 (SEAL) BY Dlc, Deputy Clerk

DECLARATION  
EXHIBIT F

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION  
BKY No.04-41383

MARK R. MAVIS, )  
 )  
 Plaintiff, )  
 )  
 v. ) AFFIDAVIT  
 )  
 INTERNAL REVENUE SERVICE, )  
 )  
 Defendant. )

STATE OF MINNESOTA )  
 ) ss.  
 COUNTY OF RAMSEY )

Peter Lanphear, Advisor, being first duly sworn, deposes and says:

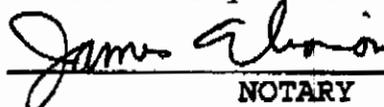
1. I am employed by Area 9 of the Internal Revenue Service Small Business/Self-Employed Division.
2. One of my duties is to review Chapter 13 Bankruptcy petitions and the Government records regarding the petitioner.
3. The last voluntary payment made to the Internal Revenue Service by Mark R. Mavis was in the amount of \$300.00 on March 20, 1997.

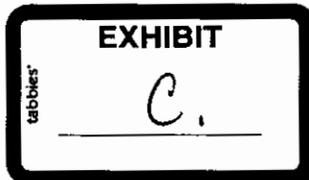
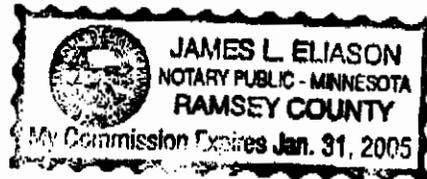
FURTHER YOUR AFFIANT SAYETH NOT.

  
Peter Lanphear

Subscribed and Sworn to Before Me

This 28<sup>th</sup> Day of June, 2004.

  
NOTARY



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
MARK R. MAVIS, )  
 ) Case No. BKY 04-41383  
Debtor. )

MEMORANDUM IN SUPPORT  
OF OBJECTIONS OF THE UNITED STATES  
OF AMERICA TO THE CONFIRMATION OF DEBTOR'S  
CHAPTER 13 PLAN FILED JUNE 17, 2004 AND MOTION TO DISMISS

THE UNITED STATES OF AMERICA, Internal Revenue Service ("IRS"), by and through its attorneys, Thomas B. Heffelfinger, United States Attorney for the District of Minnesota and Roylene A. Champeaux, Assistant United States Attorney, submits the following Memorandum in Support of its Objections to Confirmation of Debtor's Chapter 13 Plan filed June 17, 2004 and Motion to Dismiss.

1. The United States, IRS, has a secured claim of \$67,761.00, unsecured priority claim of \$131,499.31 and an unsecured general claim of \$29,779.47 against this debtor. The total claim is in the amount of \$229,039.78 as set forth in the filed amended Proof of Claim of the IRS.

2. Since no objections to the tax claims of the IRS have been filed, the claims are deemed allowed, pursuant to 11 U.S.C. § 502(a).

3. This is the debtor's fourth Chapter 13 Bankruptcy filing since August 2000. All three prior cases were dismissed prior to discharge.

4. As the proponent of his Plan the debtor bears the burden of proving the factors set forth in 11 U.S.C. § 1325(a). In re Hogue, 78 B.R. 867, 872 (Bankr. S.D. Ohio 1987). In re Wagner, 259 B.R. 694, 700-701 (B.A.P. 8th Cir. 2001).

5. The debtor's Plan is not feasible because the debtor will not be able to make all the payments under the Plan and comply with the Plan as evidenced by the debtor's failure to complete the last three Chapter 13 Plans and because the Plan is seriously underfunded. The original Chapter 13 Plan filed in this case provided for monthly payments to the Chapter 13 Trustee of \$2,740.00. The Modified Plan filed June 17, 2004 provides for payments of \$5,200.00 per month. The debtor's Schedule J shows the sum of \$2,740.00 per month available to fund a Plan.

6. This bankruptcy case should be dismissed because the debtor acted in bad faith in filing this fourth Chapter 13 Bankruptcy case.

7. The United States submits that this debtor is a tax scofflaw who has filed three prior Chapter 13 Petitions while failing to schedule or pay his federal tax debt. The debtor has failed to pay any federal income taxes from April 1997 to present. Further the debtor deliberately failed to schedule the IRS debt in the three earlier Chapter 13 cases. The United States submits that this debtor is committing a fraud upon this Court by filing false Bankruptcy Schedules and using the Bankruptcy Code to avoid

paying federal income taxes. The United States further submits that this debtor appears to be targeting the IRS in that this debtor, who has not previously filed bankruptcy, owes little unsecured debt (two creditors totaling \$11,000.00 in debt) other than debt to the taxing authorities.

8. In determining whether the debtor has acted in good faith, the Court must consider the totality of circumstances including (1) the debtor's accuracy in stating the debts and expenses; (2) the debtor's honesty in the Bankruptcy process including whether he has made any fraudulent misrepresentations in the matter of his Bankruptcy; (3) whether the Bankruptcy Code is being unfairly manipulated; (4) the type of debt sought to be discharged; (5) whether the debt would be nondischargeable under Chapter 7; and (6) the debtor's motivation and sincerity in seeking Chapter 13 relief. In re Mattson, 241 B.R. 629, 635-637 (Bankr. D. Minn. 1999). Handeen v. LeMaire (In re LeMaire), 898 F.2d 1346, 1349 (8th Cir. 1990). Here the debtor has unfairly manipulated the Bankruptcy Code since 2000 while making false representations on his bankruptcy schedules and avoiding paying any federal income taxes.

WHEREFORE, for the foregoing reasons, the United States prays that the Chapter 13 Plan filed by this debtor be denied confirmation, that the case be dismissed as having been filed in bad faith, and that the Court impose a 365 day Chapter 13 filing bar.

Date: June 28, 2004

THOMAS B. HEFFELFINGER  
United States Attorney

/e/ Roylene A. Champeaux  
By: ROYLENE A. CHAMPEAUX  
Assistant United States Attorney  
Attorney ID Number 154805  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5685

Attorneys for the United States  
of America, IRS

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Chapter 13

MARK R. MAVIS,

Case Number: 04-41383

Debtor.

UNSWORN DECLARATION  
FOR PROOF OF SERVICE

I, Carla R. Kohl, employed by the Office of the United States Attorney, with office address 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, declares that on June 28, 2004, I served the Objections of the United States of America to Confirmation of Debtor's Chapter 13 Plan filed June 17, 2004 and Motion To Dismiss, Memorandum in Support of Objections and proposed Order on the entities named below by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage and depositing same in the post office at Minneapolis, Minnesota, addressed to each of them as follows:

-----  
David D. Kingsbury, Esq.  
Kingsbury & Associates, Ltd  
14827 Energy Way  
Apple Valley, MN 55124

Alegis Group  
P.O. Box 10497  
Greenville, SC 29603

Jasmine Z. Keller, Esq.  
Chapter 13 Trustee  
12 S. 6th St., Ste. 310  
Minneapolis, MN 55402

Linda J. Jungers, Esq.  
Stewart, Zlmen & Jungers, Ltd.  
430 Oak Grove St., #200  
Minneapolis, MN 55403

Office of the U. S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

GMAC  
3500 W. 80th St., #300  
Minneapolis, MN 55431

Mark R. Mavis  
19085 Homestead Circle  
Eden Prairie, MN 55346

Minnesota Department of Revenue  
Collection Enforcement Unit  
551 Bankruptcy Section  
P.O. Box 64447  
St. Paul, MN 55164

Wells Fargo Home Mortgage, Inc.  
c/o McCalla, Raymer, et al.  
Bankruptcy Department  
1544 Old Alabama Road  
Roswell, Georgia 30076

Craig Anderson  
Assistant Attorney General  
Office of MN Attorney General  
Tax Litigation Division  
1100 NCL Tower  
445 Minnesota Street  
St. Paul, MN 55101-2128

-----  
And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: June 28, 2004

Signed:   
CARLA R. KOHL

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

In re: )  
 ) Chapter 13  
MARK R. MAVIS, )  
 ) Case No. BKY 04-41383  
Debtor. )

ORDER

At Minneapolis, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

This matter came before the Court for hearing on Confirmation of the debtor's Plan. The United States of America, on behalf of the Internal Revenue Service, filed objections to confirmation and requested an Order denying confirmation and for an Order dismissing this case. Roylene A. Champeaux, Assistant United States Attorney, appeared on behalf of the United States. Other appearances were noted on the record.

It appears to the satisfaction of the Court that the debtor's Plan is not confirmable.

IT IS THEREFORE ORDERED:

1. Confirmation is denied.
2. The case is dismissed.
3. Debtor is barred from filing any Chapter 13 Bankruptcy cases for 365 days from the date of this Order.

---

NANCY C. DREHER  
United States Bankruptcy Judge